

(e) How many units do they retain now; has anybody enquired into this?

(f) Has anybody investigated why there are no wet crops and why there is not sufficient supply of water to garden lands even if the tanks fill?

GENERAL SECRETARY TO GOVERNMENT.—

A.—28. (a)—

Tumkur Taluk	...	23 years
Madhugiri Taluk	...	18 "
Chikkanaikanhalli	...	15 "
Sira Taluk	...	20 "
Gubbi	...	22 "
Tiptur	...	13 "
Pavagada	...	23 "
Kunigal	...	13 "
Koratagere	...	19 "
Turuvekere Sub-Taluk	...	19 "

(b) They are more or less in the same state except in certain villages of Madhugiri and Sira Taluks.

(c) Relief is generally given during years of drought. Remission of the difference between garden and wet rates of assessment every year in the case of two villages of Madhugiri Taluk and 52 villages of Sira Taluk every year until re-classification has been sanctioned (*vide* G. O. No. R. 5222-24—L. R. 686-28-13, dated 7th April 1934).

(d) and (e) It is not possible to furnish information on these points unless the names of tanks for which the information is required are noted.

(f) Individual cases brought to notice have been attended to.

MR. K. P. CHANNABASAPPA.—With reference to answer to (a), when will the next re-survey be taken up?

GENERAL SECRETARY TO GOVERNMENT.—It is not possible to say that.

MR. K. P. CHANNABASAPPA.—With reference to answer to (c), are there not other villages in the taluk as well as other lands in the same villages deserving of the same concession?

GENERAL SECRETARY TO GOVERNMENT.—According to survey guarantee, people have no right to ask for concessions at all. Concessions granted have been ordered in view of certain special circumstances.

MR. K. P. CHANNABASAPPA.—Will Government extend the same concessions to other similar cases also?

GENERAL SECRETARY TO GOVERNMENT.—If the cases come up to Government, they will be considered on merits.

MR. K. P. CHANNABASAPPA.—How will it be fair to deny the same concessions if other cases deserve them?

FIRST MEMBER OF COUNCIL.—If those cases are exactly similar, Government will extend the same concessions to them also.

MR. K. P. CHANNABASAPPA.—In view of the fact that the concessions ordered have not been given effect to, will the Government issue instructions to the local officers to the effect that excess collections, if any made already, should be credited against the next year's demand?

GENERAL SECRETARY TO GOVERNMENT.—The suggestion will be considered.

MR. G. SANKARA SETTY.—In similarly deserving cases, will the same concessions be granted in Pavagada also?

GENERAL SECRETARY TO GOVERNMENT.—If the Deputy Commissioner recommends.

Forest Statistics in the Hassan District.

MR. M. NANJAPPA (Channarayapatna Taluk).—

Q.—31. Will the Government be pleased to state:—

(a) How many forests there are in Hassan, Alur, Hole-Narsipur and Channarayapatna Taluks?

(b) What are their names, their income, expenditure and savings?

CHIEF SECRETARY TO GOVERNMENT.—

A.—31. (a) Eighteen.

(b) A statement furnishing the information is placed on the table (*vide* Appendix).

Principle of investing Revenue Officers with Magisterial Work.

MR. H. B. GUNDAPPA (Hassan Taluk).—

Q.—33. Will the Government be pleased to state:—

(a) When was the Special Second

Class Magistrate's Court at Saklespur abolished; what were the reasons?

(b) What was the average number of cases instituted each year for the three years prior to its abolition?

(c) When was the Sub-Division Officer, Saklespur, invested with first class powers and when did the criminal court commence work there?

(d) How many cases have been instituted in the new First Class Court after its establishment?

(e) Does not the appointment of a revenue officer as a Magistrate contravene the principle of the Separation Scheme, which came into force some years ago?

(f) Has not Government given an assurance in the Representative Assembly that revenue officers would not be invested with magisterial powers?

(g) Are there any other instances in our State where revenue officers have been invested with magisterial powers?

(h) What are the reasons for investing these powers at Saklespur?

CHIEF SECRETARY TO GOVERNMENT.—

A.—33. (a) The Special Second Class Magistrate's Court, Saklespur, was temporarily abolished from the 1st of December 1933 as the work in the court was found to be very light.

(b) 203.

(c) From the 1st of December 1933.

(d) 161 from the 1st of December 1933 to the 31st of August 1934.

(e) No. The principle of completely divesting executive officers of magisterial functions has not been accepted by Government.

(f) No.

(g) The following are the other instances in the State in which revenue officers have been invested with magisterial powers:—

(i) Amildars and Deputy Amildars are invested with power to try offences punishable under the Mysore Village Panchayet Regulation.

(ii) Revenue Sub-Division Officers who are not *Ex officio* Presidents of municipal councils are empowered to try cases under the Municipal Regulation in the municipality where they

arise at suitable intervals during the course of their itineration.

(h) *Vide* answer to clause (a).

MR. H. B. GUNDAPPA.—With reference to answer to (b), are the Government satisfied that the figure indicates that the court has enough work? Is it not desirable to prescribe a minimum number of cases that should be tried by any given court?

CHIEF SECRETARY TO GOVERNMENT.—Government think that there is enough work for that court. It is not possible or desirable to prescribe any minimum number of cases. The work of the court depends upon the nature of the cases.

MR. H. B. GUNDAPPA.—Under the orders issued in 1918, have not the Government accepted the principle of entire separation of judicial and executive duties?

FIRST MEMBER OF COUNCIL.—The principle of divesting magisterial officers of executive work has never been accepted by Government *in toto*. The opinion of Government is, as stated in the preamble of the Government Order itself, that "it will tend on the whole to a better and prompter administration of criminal justice if the duty of trying cases is assigned, as far as possible, to officers whose attention is not distracted by other important and heavy work." So, the whole object is to get "speedy" and "prompt" administration of justice.

MR. S. K. VENKATARANGIENGAR.—And "better" also?

FIRST MEMBER OF COUNCIL.—Certainly.

MR. H. B. GUNDAPPA.—What were the reasons for reverting to the system of combined duty in contravention of the Government Order?

FIRST MEMBER OF COUNCIL.—Because, from experience we find that it is wasteful, in the sense that we would have to appoint two officers for work which could well be attended to by one.

MR. H. B. GUNDAPPA.—If so, instead of entrusting the magisterial work to revenue officers, why not entrust it to regular Magistrates?

FIRST MEMBER OF COUNCIL.—That is not a material issue so long as the principle of combination is agreed upon.

MR. H. B. GUNDAPPA.—If you do so, will not revenue work be inconvenienced?

FIRST MEMBER OF COUNCIL.—Government have made sure that in this case work is not inconvenienced.

MR. H. B. GUNDAPPA.—May I take it, then, that the Government are not aware that work has been inconvenienced in our taluk, for the reason that revenue officers who have touring and other important works are not able to hold the court regularly? Are they also not aware that if this court which is an itinerant court is not held regularly, people in various places will be seriously inconvenienced?

FIRST MEMBER OF COUNCIL.—In that case, needful enquiries will be made.

MR. D. S. MALLAPPA.—With reference to the answer of Government that the Separation Scheme would be a wasteful method, may I ask whether the Government did not consider the question of cost also at the time of sanctioning the scheme?

DEWAN.—The member knows perfectly well that the financial situation has since changed for the worse.

Relief to the Victims of the Railway Accident at Tarikere.

MESSRS. BAGAMANE DEVA GOWDA (Chikmagalur Taluk); N. M. SIVALINGAPPAIAH (Kadur Taluk); CHANDIAH (Tarikere Taluk); M. THIMMIAH (Tarikere Municipality); D. V. HALAPPA (Birur Municipality); K. THIMME GOWDA (Kadur Taluk); K. MALLE GOWDA and M. HUTCHE GOWDA (Mudgere Taluk); C. R. NIRVANAPPA SETTY (Special Interests) and M. SIDDALINGAPPA SETTY (Chikmagalur Taluk).—

Q.—34. Will the Government be pleased to state:—

(a) Whether a full enquiry has been held by Government into the causes that led to the railway accident at Tarikere a few months back; if so, with what result?

(b) What is the nature of the injury inflicted on the persons who

died or were injured in this accident and what are the particulars relating to their names, age and addresses?

(c) What is the status in life and the economic condition of the dead and injured persons?

(d) What relief has the Government decided to grant to the families of such dead and injured persons, and if so, what is the nature of such relief and what is the basis on which it is settled?

(e) Will the papers and documents connected with the enquiry into the said accident be kindly placed before this House?

SECRETARY TO GOVERNMENT, RAILWAY DEPARTMENT.—

A.—34. (a) Yes. The whole case formed the subject matter of a magisterial enquiry. The judgment was delivered on 10th April 1934 punishing the Guard and the Driver of the train.

(b) A statement showing the persons injured and killed is attached (*vide* Appendix).

(c) Information not available.

(d) The Deputy Commissioner, Kadur District, has been asked to get into touch with the heirs of the deceased persons and decide what relief is necessary, in consultation with the officers of the Railway Department, except in the case of persons who have issued notices of suits claiming compensation.

(e) In view of answer to (a), the question does not arise. The case is still *sub judice* as the District Magistrate, Kadur, has appealed to the High Court for suitable enhancement of sentence on the ground that the sentence awarded to the two convicted persons appeared to be inadequate and unduly lenient. The accused have also appealed before the Sessions Judge against the conviction and the cases are pending before the courts.

MR. BAGAMANE DEVA GOWDA.—Have the Government calculated the total loss caused to all the people who are either dead or injured?

AGENT, MYSORE RAILWAYS.—As the member knows, the matter is under enquiry.